

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *[Signature]* D.C.  
05 JUL 15 PM 3:43

STEPHEN UNDERWOOD,

Plaintiff,

V.

THE CITY OF MEMPHIS, et al.,

Defendant.

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CASE NO. 04-2473 B/V

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN, MEMPHIS

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED  
PLEADING

Before the court is the November 16, 2004 motion of the plaintiff, Stephen Underwood, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure for leave to amend his complaint. The plaintiff seeks to amend his complaint to affirmatively plead the jurisdictional prerequisite of compliance with the Tennessee Governmental Tort Liability Act, Tenn. Code Ann. § 29-20-303, including the waiver of immunity. For the reasons below, the plaintiff's request for leave to amend is GRANTED.

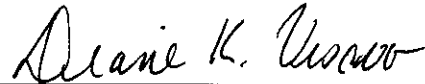
Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fifteen (15) days after service of the motion. The defendant, City of Memphis, has not filed a response to this motion and the time for responding has now expired. Rule 7.2(a)(2) provides further that "[f]ailure to respond timely to any motion ... may be deemed grounds for granting the motion."

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 7-15-05

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In the absence of any response from the defendant, the plaintiff's motion to amend his complaint is granted. The plaintiff shall file and serve his amended complaint attached to his motion within ten (10) days of the date of entry of this order.

IT IS SO ORDERED this 14th day of July, 2005

A handwritten signature in cursive script, reading "Diane K. Vesco", written in black ink.

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DIANE K. VESCOVO

UNITED STATES MAGISTRATE JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 24 in case 2:04-CV-02473 was distributed by fax, mail, or direct printing on July 15, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT